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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,242	01/10/2002	Richard D. Taylor	10010391-1	8963
7590	03/23/2005		EXAMINER	
AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Intellectual Property Administration P.O. Box 7599 Loveland, CO 80537-0599			ABRAHAM, ESAW T	
			ART UNIT	PAPER NUMBER
			2133	
DATE MAILED: 03/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/044,242	TAYLOR ET AL.
	Examiner	Art Unit
	Esaw T Abraham	2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 September 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**Final office action**

**Response to the applicant's amendments**

This office action is in response to applicant's amendment filed on 09/10/04.

**Response to the applicant's argument**

Applicants argument with respect to original claims 1-24 filled in 09/10/04 have been fully considered but they are not persuasive.

In response to the applicant's argument that the reference (Jiang et al.) fail to show certain features of applicants invention, it is noted that the features upon which applicant relies ("regarding claims 1, 11 and 22, the prior art does not teach soft errors as being those errors that occur during extended periods of inactivity") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Note: claims 1, 11, and 22 recites, "said soft errors detected via execution of said volatile memory checker being soft errors occurring during said extended periods of inactivity between said periods of activity of said device" **and does not state** "if the execution code is stored in volatile memory during periods of inactivity soft errors in the executable code will **accumulate and be undetected until the next use**" (see the remark page 8, lines 1 and 2).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner has argued the obviousness to combine Jiang et al. with the teachings of Quach since Jiang does not teach the use of recovery module.

The examiner asserts that Jiang et al. explicitly teach that DRAM arrays susceptible to process related failures and such DRAM faults can be classified as stuck-at faults, stuck-open faults and data retention faults or soft errors and further Jiang et al. teach a processor unit having a CPU core, an integrated RAM and a test unit, which may be implemented in either a test unit, which may be implemented in either a hardware or software (see abstract). Quach teaches on the most common error recovery routine invoked when a processor detects soft error, which are known to one ordinary skill in the art at the time the invention was made for detecting and recovering errors. One ordinary skill in the art at the time the invention was made would have been motivated to employ the process of an error recovery because the recovery routine (module) provides a mechanism to restore integrity to the extension cores of a processor when discrepancy is detected between results generated by the execution cores (see col. 8, lines 19-22).

The examiner disagrees with the applicant and maintains all rejections of claims 1-24. All amendments and arguments by the applicant have been considered. It is the Examiner's decision that claims 1-24 are not patentably distinct or non-obvious over the prior art of record in view of the references, as applied in the last office action, filed 06/18/04. Therefore, the rejection is maintained.

1. Claims **1-24** remains pending.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims **1-4, 9-16 and 22-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (U.S. PN: 5,748,640).

As per claims **1, 11 and 22**, Jiang et al. teach or disclose testing of dynamic random access memories (DRAM), and particularly to a built-in self-test (BIST) for a DRAM array incorporated into a microprocessor such that the built-in self-test can operate in mode while functional tests are being run on the microprocessor core (see col. 1, lines 8-12). Jiang et al. in figure 1 teach a system having a built in RAM (volatile memory) (102) and processor (104), and test unit (105) implemented in one or more machines or microcode wherein the test unit is configured to activate the processor and the RAM (see col. 4, lines 19-31). Jiang et al. **do not**

**explicitly teach** memory checker (memory detector) including a test code configured to detect errors. **However**, Jiang et al. in figure 5 and 6 test began to test a core, built-in self-test begins by the core test bit in the status/control set and if an error detected (see figure 5, step 2008 and figure 6, step 2034) the test will stop (Step 2010) or if no error had been detected then the status bits would be set or reset (see figure 5, steps 2016, 2018 and figure 6, steps 2042, 2046), which Jiang et al.'s system is using similar methods of testing and detecting errors. **Therefore**, it would have been obvious to a person having an ordinary skill in the art at the time the invention was made follow the flow charts of figures 5 and 6 of Jiang et al. to test and check errors of the volatile memory (RAM). **This modification** would have been obvious because a person having ordinary skill in the art would have been motivated to do so because providing a memory checker or detector that are detecting faults are well known futures of BIST.

As per claims **2, 3 and 15**, Jiang et al. teach all the subject matter claimed in claims 1 and 11 including Jiang et al. in figure 1 disclose an integrated processor (100) comprising a processor core (104), RAM array (102), BIST (built-in tester) (1000, 1002) and test unit (105) integrated within the integrated processor (see col. 4, lines 19-31). Further, Jiang et al. teach a processing unit having a CPU, RAM and test unit which may be implemented in either a test unit, which may be implemented in either hardware or software to detect soft or hard errors (see abstract).

As per claim **4**, Jiang et al. teach all the subject matter claimed in claim 1 including Jiang et al. in figures 7-9 teach a timing diagram associated with the built-in testing (see figures 7-9).

As per claim **9**, Jiang et al. teach all the subject matter claimed in claim 1. Jiang et al. **do not explicitly teach** that the memory checker are integrated into a printer controller.

**Nevertheless**, as would have been well known to one ordinary skill in the art at the time the invention was made, integrating memory checkers or detectors and a controller are required in order to read and calculate the detecting data (such as CRC) by a controller. **Accordingly**, it would have been obvious to one ordinary skill in the art to integrate a detector and a controller because such integration provides a system to check or verify a data to be valid or not valid.

As per claim **10**, Jiang et al. teach all the subject matter claimed in claim 1 including Jiang et al. teach that the RAM and processor implemented in one or more state machines or microcode (see col. 2, lines 45-49).

As per claims **12, 13 and 16**, Jiang et al. teach all the subject matter claimed in claim 11 including Jiang et al. in figure 5 and 6 test began to test a core, built-in self-test begins by the core test bit in the status/control set and if an error detected (CRC) (see figure 5, step 2008 and figure 6, step 2034) the test will stop (Step 2010) or if no error had been detected then the status bits would be set or reset (see figure 5, steps 2016, 2018 and figure 6, steps 2042, 2046).

As per claim **14**, Jiang et al. teach all the subject matter claimed in claim 11 including Jiang et al. teach that at least one test of said RAM array comprises initializing said RAM array with a data background (see claim 6).

As per claims **23 and 24**, Jiang et al. teach all the subject matter claimed in claim 22. Jiang et al. **do not teach** magnetic recording on a medium. **However**, magnetic recording is known in the art and common element for most of storage systems or memories. **Therefore**, it would have been obvious to one ordinary skill in the art at the time the invention was made to store information in a storage device or memory is capable of as identified magnetic recording in the claims are obvious and well known with the level of ordinary skill in the art. **One ordinary**

skill in the art would have been employed various types of storage devices during testing of the memory device ensuring all types of memories tested.

3.     Claims **5-8 and 17-21**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (U.S. PN: 5,748,640) in view of Quach (U.S. PN: 6,625,749).

As per claims **5 and 17**, Jiang et al. teach all the subject matter claimed in claim 1. Jiang et al. do not explicitly teach a recovery module responsive to the error checker or detector. However, Quach in analogous art teaches an error recovery routine is invoked when the processor detects a soft error while operating in the redundant execution mode (see abstract). Further, Quach teach that an error recovery routine is stored in a memory and the recovery routine is accessed when the processor, implementing a program thread in redundant mode, detects a soft error (see col. 3, lines 53-67 and col. 4, lines 1-8). **Therefore**, it would have been obvious to a person having an ordinary skill in the art at the time the invention was made to implement the teachings of Jiang et al. to include a recovery module (a program unit or routine) associated with the error checker or detector. **This modification** would have been obvious because a person having ordinary skill in the art would have been motivated to do so because a recovery routine (module) provides a mechanism to restore integrity to the execution cores of a processor operating in redundant mode, when discrepancy is detected between results generated by the execution cores (see col. 8, lines 19-22).

As per claims **6, 7 and 21**, Jiang et al. in view of Quach teach all the subject matter claimed in claims 5 and 17 including Quach teaches that the recovery routine initializes the execution cores with the recovered processor state data (see col. 3, lines 63-65). Further, Quach

in figure 5A, element 102 teaches a second complete set of processor state data for reinitializing the execution cores of processor (102) (see col. 11, lines 21-23).

As per claim 8, Jiang et al. in view of Quach teach all the subject matter claimed in claim 5 including Jiang et al. in figure 5 and 6 teach a test began to test a core, built-in self-test begins by the core test bit in the status/control set and if an error detected (see figure 5, step 2008 and figure 6, step 2034) the test will stop (Step 2010) or if no error had been detected then the status bits would be set or reset (see figure 5, steps 2016, 2018 and figure 6, steps 2042, 2046). Further, Quach teaches that in redundant mode, execution cores (110) execute the same instructions from a code segment in lock step, and the results are compared by check unit (CRC) (130) to detect errors in either execution core (110) (see col. 4, last paragraph).

As per claim 18, Jiang et al. in view of Quach teach all the subject matter claimed in claim 17 including Quach teaches that soft errors arise when alpha particles or cosmic rays strike an integrated circuit and alter the charges stored on the voltage nodes of the circuit (see col. 1, lines 12-32).

As per claim 19, Jiang et al. in view of Quach teach all the subject matter claimed in claim 17 including Jiang et al. teach a self-tester (BIST) (see figure 1, elements 1000, 1002).

As per claim 20, Jiang et al. in view of Quach teach all the subject matter claimed in claim 17. Jiang et al. in view of Quach **do not explicitly** teach that the memory checker are integrated into a printer controller. **Nevertheless**, as would have been well known to one ordinary skill in the art at the time the invention was made, integrating memory checkers or detectors and a controller are required in order to read and calculate the detecting data (such as CRC) by a controller. **Accordingly**, it would have been obvious to one ordinary skill in the art to

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integrate a detector and a controller because such integration provides a system to check or verify a data to be valid or not valid.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Esaw Abraham whose telephone number is (571) 272-3812. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are successful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*Esaw Abraham*  
Esaw Abraham

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*Jerry J. Lamarre*  
Primary Examiner